

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHARLES ROSENE, )  
                      )  
Plaintiff,          )  
                      )  
vs.                 )              Case No. 4:04-CV-739 (JCH)  
                      )  
CHARLES P. HEARD, et al., )  
                      )  
Defendants.         )

**MEMORANDUM AND ORDER**

The matter is before the Court on its review of the record and a variety of pending motions that were filed almost two years ago. On April 26, 2007, the Court ordered Plaintiff to show cause by June 1, 2007 why the Court should allow him to continue maintaining this cause of action against Defendants. To date, Plaintiff has not responded.

Upon consideration, the Court will dismiss Plaintiff's claims. Specifically, Plaintiff asked for a dismissal with prejudice shortly before the case was stayed due to the bankruptcy proceedings of Defendant Heard Communications. (Notice of Dismissal, Doc. No. 26). Furthermore, Plaintiff has not taken any action in this case since the bankruptcy case ended in May 2006. See E.D.Mo. L.R. 8.01.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Amended Complaint is **DISMISSED** with prejudice. An appropriate order of dismissal will accompany this order.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Set Aside Default the Judgment Entered on June 6, 2005 is **GRANTED** and the Clerk's Entry of Default (Doc. No. 17) is **VACATED**.

**IT IS FURTHER ORDERED** that Plaintiff's Motions for Default Judgment (Doc. No. 14, 15) are **DENIED** as moot.

**IT IS FURTHER ORDERED** that Defendant Craig P. Heard's Motion to Dismiss and Motion for Sanctions (Doc. No. 24) is **DENIED** as moot.

Dated this 11th day of June, 2007.

/s/ Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE